

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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BANCO DEL AUSTRO, S.A.,

Plaintiff,

-against-

16-cv-0628 (LAK)

WELLS FARGO BANK, N.A.,

Defendant.  
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**ORDER**

LEWIS A. KAPLAN, *District Judge*.

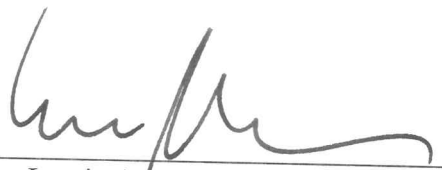
Defendant has moved for summary judgment dismissing plaintiff's claim and for partial summary judgment with respect to its counterclaim. (DI 47) The parties, however, have waived trial by jury.

In the circumstances, the motion for summary judgment is denied without prejudice to the raising of the arguments set forth therein in a trial on the merits.

The Court will hold a final pretrial conference on October 25, 2017 at 10:30 a.m. to discuss (1) whether the case can be tried on stipulated facts or, alternatively, a stipulated record, and (2) procedures for trial. Counsel are directed to meet and confer in advance of the conference to see whether and to what extent they can agree on one of those alternatives. In addition, counsel should be familiar with the Court's individual practices, available on the Court web site, insofar as they relate to bench trials.

SO ORDERED.

Dated: October 18, 2017

  
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Lewis A. Kaplan  
United States District Judge

